

12-16-08

PTO/SB/64 (11-08)

Approved for use through 12/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **BUCKNER, LYNN A.**Application No.: **10/614,868**Art Unit: **3641**Filed: **21 July 2003**Examiner: **Christopher Novosad**Title: **Air over Water Excavation**

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300



NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 810 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in RESPONSE TO EXAMINER'S ELECTION / ^{Restriction requirement} (identify type of reply):

has been filed previously on 10 Dec 2007.
 is enclosed herewith. Amended Response + claims

B. The issue fee and publication fee (if applicable) of \$ _____.

has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

 Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Lynn A. Buckner

Signature

15 Dec, 2008

Date

LYNN A. BUCKNER

Typed or printed name

Registration Number, if applicable

P.O. Box 609

Address

423-413-7823

Telephone Number

chickamauga, GA 30707

Address

Enclosures: Fee Payment Check # 4311 For 810.00 Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

 Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.15 Dec 2008

Date

Lynn A. Buckner

Signature

LYNN A. BUCKNER

Typed or printed name of person signing certificate

TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as priority mail in an envelope with sufficient postage and addressed to Commissioner of Patents P.O. BOX 1450, ALEXANDER, Va. 22313 on 15 December 2008.



Lynn A. Buckner
Signature

“Renewed Petition Under 37 CFR 1.137(b)”

10 Applicant : Buckner, Lynn A.

20 Application No. : 10/624,868

Filed : 22 July 2003

Title : Air over water Excavation

25 LYNN A. BUCKNER
Post Office Box 609
Chickamauga, GA 30707

30 Assistant Commissioner for Patents
Washington, D.C. 20231

Commissioner:

Please Renew the above stated application Petition Under 37 CFR 1.137(b). The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37CFR 1.137(b) was unintentional.

I replied to the office action within 6 weeks, thinking that I had answered early to a 3 month window to respond. After finding out what happened & how to resolve it, I have been saving up the \$810.00 to pay the fee.

40 Check # 4321 to the Comm. Of Patents for \$810.00

2 page Form PTO/SB/64 filled out & signed

An amended answer and claims revisions to the examiners election / restriction requirement is attached.

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Respectfully submitted,

Lynn A. Buckner
Lynn A. Buckner
423-413-7823

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